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Bureau of Consular Affairs

VISA BULLETIN

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Washington, DC.

IMMIGRANT NUMBERS FOR APRIL 1990

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during April. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Immigration and Naturalization Service reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by March 8th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state or dependent area in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the statutory or regulatory limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary, during the monthly allocation process, to recede a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201(a) of the Immigration and Nationality Act (INA) sets an annual limitation of 270,000 for immigrants in the preference/nonpreference classes. Section 202 prescribes that no more than 20,000 of this limitation may be made available in a fiscal year to applicants chargeable to any single foreign state; the limitation for a colony or dependent area is set at 5,000.

3. Section 203(a) of the Immigration and Nationality Act, as amended, prescribes preference classes for allotment of immigrant visas as follows:

First preference (unmarried sons and daughters of U.S. citizens, and their children): 20% of the overall annual limitation in any fiscal year;

Second preference (spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence, and their children): 26% of the overall limitation, plus any numbers not required for first preference;

Third preference (members of the professions or persons of exceptional ability in the sciences and arts, spouses and children): 10% of the overall limitation;

Fourth preference (married sons and daughters of U.S. citizens, and their spouses and children): 10% of the overall limitation, plus any numbers not required by the first three preference categories;

Fifth preference (brothers and sisters of U.S. citizens 21 years of age or over, and their spouses and children): 24% of the overall limitation, plus any numbers not required by the first four preference categories;

Sixth preference (skilled and unskilled workers in short supply, and their spouses and children): 10% of the overall limitation;

Nonpreference (other immigrants): Numbers not required by the six preferences.

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4. Section 203(b) of the Immigration and Nationality Act provides that visas be given to applicants in order of preference classes. However, Section 202(e) of the Act provides that, whenever the maximum number of visas has been made available to natives of a foreign state or dependent area in any fiscal year, in the next following fiscal year visas will be made available by applying the preference limitations to the foreign state (20,000) or dependent area (5,000) limitation. The provisions of Section 202(e) apply at present to the following chargeability areas: CHINA-mainland born, INDIA, KOREA, MEXICO, PHILIPPINES, and HONG KONG.

5. On the chart below the listing of a date under any class indicates that the class is oversubscribed (See paragraph 1); "C" means current, i.e., that numbers are available for all qualified applicants; and "U" means unavailable, i.e., that no numbers are available.

PREFERENCE

<u>CHARGEABILITY</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>	<u>6th</u>	<u>NONPREF- ERENCE</u>
ALL CHARGE- ABILITY AREAS EXCEPT THOSE LISTED BELOW	C	05-15-88	02-01-89	09-15-89	09-01-82	12-15-86	U
CHINA-mainland born	C	05-15-88	02-01-89	09-15-89	03-26-82	12-15-86	U
DOMINICAN REPUBLIC	C	01-22-87	U	U	U	U	U
INDIA	C	05-15-88	08-01-88	09-15-89	04-28-82	12-15-86	U
KOREA	C	05-15-88	02-01-89	09-15-89	09-01-82	07-22-86	U
MEXICO	10-15-89	05-22-80	02-01-89	11-08-81	09-19-78	05-15-86	U
PHILIPPINES	03-08-84	01-01-83	08-08-73	07-22-81	02-16-77	08-08-85	U
HONG KONG	C	05-15-88	01-15-89	09-15-89	09-25-80	12-15-86	U

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 647-0508. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

B. PANAMA CANAL NUMBERS

The Panama Canal Act of 1979 (PL 96-70) provides for the admission as special immigrants under subparagraphs (E), (F) and (G) of section 101(a)(27) of the INA of up to 15,000 former employees of the Panama Canal Company or Canal Zone Government, at the rate of no more than 5,000 in any fiscal year. At the present time visas are available to qualified applicants on a "current" basis.

C. NONPREFERENCE (NP-5) NUMBERS

For APRIL, nonpreference numbers in the NP-5 category have been made available to qualified immigrants chargeable to all "adversely affected" areas with priority dates earlier than:

11-17-89--12:01 A.M.

The priority date of an NP-5 case is the basis for the NP-5 case number; time as well as day of case registration is indicated. In case number format, the above cut-off date is: 891117-0001-0000.

Section 314 of the Immigration Reform and Control Act of 1986 (P.L. 99-603, Nov. 6, 1986) provided 5,000 visa numbers for each of fiscal years 1987 and 1988 to nonpreference immigrants outside the 270,000 annual numerical limitation in Section 201(a) of the Immigration and Nationality Act (INA), with such visa numbers to be made available first to applicants from countries whose immigration to the United States was "adversely affected" by P.L. 89-236 (the Act of October 3, 1965 which revised the basis of legal immigration to the United States), in the order in which they qualified for status after enactment of the 1986 Act. Section 2 of the Immigration Amendments of 1988 (P.L. 100-658, Nov. 15, 1988) extended this visa category through fiscal years 1989 and 1990, with 15,000 visa numbers provided for each of those years. NP-5 status continues to be limited to natives of the thirty-six chargeability areas previously specified as "adversely affected", to which visas were available during the first two years of the NP-5 program.

D. OP-1 VISAS FOR IMMIGRANTS FROM UNDERREPRESENTED COUNTRIES TO ENHANCE DIVERSITY IN IMMIGRATION

Section 3 of the Immigration Amendments of 1988 (P.L. 100-658, Nov. 15, 1988) provides 10,000 visas for each of fiscal years 1990 and 1991 to natives of "underrepresented countries". These numbers are outside the 270,000 worldwide annual limitation set by Sec. 201(a) of the INA. An "underrepresented country" is defined in the 1988 legislation as a foreign state from which immigrants during FY-1988 used less than 25 percent of the maximum of 20,000 preference immigrant numbers under the per-country limitation.

For APRIL, immigrant numbers in the OP-1 category have been made available to qualified immigrants chargeable to all "underrepresented" countries with lottery rank numbers lower than:

15006

E. AVAILABILITY OF ASYLEE NUMBERS FOR ADJUSTMENT OF STATUS CASES

The following information has been provided by the Refugees, Asylum and Parole Office of the Immigration and Naturalization Service:

Five thousand asylees may adjust their status to lawful permanent resident per fiscal year. For fiscal year 1990, which began on October 1, 1989, asylees who filed their application to adjust before May 5, 1988 and whose names are included on the Immigration and Naturalization Service centralized computer list are eligible.

F. VISA AVAILABILITY FOR MEXICO

Applicant demand for Mexico visa numbers during the first half of fiscal year 1990 has been quite heavy. Should Mexico number use continue at the current rate, the Mexico fiscal year 1990 20,000 country limit could be reached well before the end of the fiscal year in September. The availability of Mexico immigrant numbers during the last quarter of fiscal year 1990 (July-September) cannot be taken for granted, therefore. If the country limit is reached, allocations for those months could be "unavailable"; allocations in all Mexico preferences would resume with the start of the new fiscal year on October 1.

G. RECENT AMENDMENTS TO THE VISA PORTION OF THE FOREIGN AFFAIRS MANUAL (FAM)

Transmittal Letters (TLs) nos. VISA-27 dated October 10, 1989, and VISA-28 dated October 31, 1989 which update the visa portion (Vol. 9) of the FAM, are now available. VISA-27 amends 9 FAM Part I (General Provisions & Ineligibilities), Section 40.7(a)(1)-(6) Notes, Procedural Notes, and Exhibits I and II; and 40.7(a)(23) Regulations/Statutes and Notes. VISA-28 amends 9 FAM Part III (Immigrant Visas), to add a new Part 44, OP-1 Visa Program.

Transmittal Letters (TLs) no. TL-1114 dated November 30, 1989, and TL-1115 dated February 2, 1990, which amend various portions of Appendices B/C/E with respect to nonimmigrant visa reciprocity schedules and availability of immigrant visa documents for several countries, are also available.

These TLs may be obtained from:

Distribution Services (FAIM/PS/DS)
Room B845 NS
Department of State
Washington, D.C. 20520-0845

There is a charge of \$4.00 per copy for TL VISA-27; and \$4.50 per copy for TL VISA-28. The charge per copy for TL-1114 is \$18.75, and TL-1115 is \$2.50. A check payable to the Department of State must accompany the order. If further information is desired, the telephone number for Distribution Services is: (202) 647-1105.

VISA BULLETIN SUBSCRIPTION AND CHANGE OF ADDRESS INFORMATION: Additions or changes to the mailing list should be sent to: Visa Bulletin, Visa Office, Department of State, Washington, D.C. 20522-0113. Only addresses within the U.S. postal system may be placed on the mailing list. Please include a recent mailing label when reporting changes or corrections of address; the Postal Service does NOT automatically notify the Visa*Office of address changes.

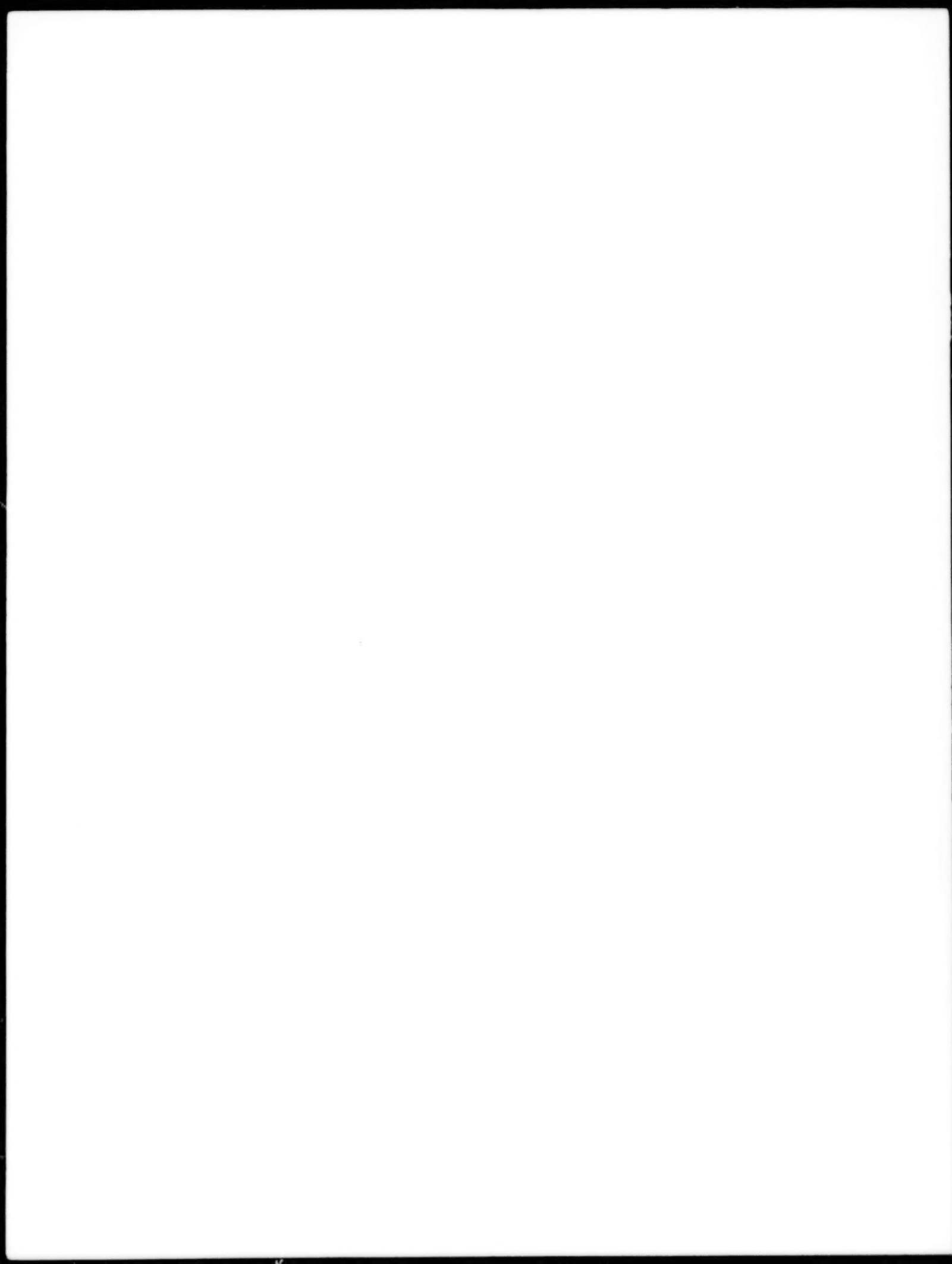
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